UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,956	08/21/2001	Ramesh R. Sarukkai	324212009600	7521

76102   7590   10/24/2008
YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

EXAMINER
WOZNIAK, JAMES S

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
10/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-25,31 and 34-43* is/are pending in the application.
    4a) Of the above claim(s) *15-25 and 31* is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *34-43* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *21 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *   c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20080929

DETAILED ACTION

Response to Amendment

1.   In response to the office action from 4/21/2008, the applicant has submitted a Request for

Continued Examination, filed 8/11/2008, amending independent claims 34, 35, 38, 41 while

adding new claims 42-43 and alleging that the prior art does not teach the limitation regarding

searching within a prompt class and the other amended limitations *(Amendment, Pages 13-14).*

The applicant's arguments have been fully considered but are moot with respect to the new

grounds of rejection in view of Wolf *(U.S. Patent: 5,771,276).*

Claim Objections

2.   **Claims 34-37 and 39** are objected to because of the following informalities:\

Claim 34 recites a "prompt audio object *configured to*" perform a certain function. It is

unclear whether this function is required to be performed because it is not positively claimed

(i.e., --a prompt audio object to--). This following function will be considered to be performed

for the application of the prior art of record.

Claims 34 and 35 recite prompt classes/mapping configurations "operable to" perform a

function. It is unclear whether this function is required to be performed because it is not

positively claimed, only "operable to". This following function will be considered to be

performed for the application of the prior art of record.

Claim 39 recites instructions "operable to" perform a function. It is unclear whether this function is required to be performed because it is not positively claimed, only "operable to". This following function will be considered to be performed for the application of the prior art of record.

Dependent claims 36-37 fail to overcome the preceding claim objections, and thus, are also objected to by virtue of their dependency.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   **Claims 38-41** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 38 and 41 recite "A computer readable medium for enabling a voice browser..." to perform various functions. It is not clear how a medium itself would be for performing such functions. Rather it would be a computer program which when executed by a computer that performs these functions (i.e., "for enabling..."). Thus, it is recommended that these claims should be amended accordingly. The claims will also be considered in this manner for the application of the prior art of record.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   **Claims 35-37** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 35 and its dependent claims refer to a "computer-implemented" method. Such a process does not involve the transformation of a matter of one state to another or tie into another statutory class *(i.e., the voice browser is nothing more than a software module and no other physical hardware element is relied on in the claim, Specification, Page 9)* and is understood to be nothing more than a claimed program without a relation to hardware. Thus, claims 35-37 represent a non-statutory process.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 34-35, 37-38, and 40-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd et al *(U.S. Patent: 6,269,336)* in view of Uppaluru *(U.S. Patent: 5,915,001)* and further in view of Wolf *(U.S. Patent: 5,771,276).*

With respect to **Claim 34**, Ladd discloses:

A database referencing a plurality of audio segments, each audio segment of the plurality

associated with an identifier that uniquely identifies that audio segment *(TTS audio file database,*

each audio file having a unique identifier, Col. 10, Line 58- Col. 11, Line 11; Col. 18, Lines 33-

44, and Col. 29, Lines 36-57);

A prompt mapping configuration comprising a plurality of prompt classes, text strings,

and a one-to-one association between each text string and a corresponding audio segment

identifier *(mapping of prompts for various classes and text strings, wherein there is a one-to-one*

association between the audio prompt files and the text strings, Col. 18, Lines 33-44; Col. 29,

Lines 36-57);

A prompt audio object is configured to use the contextual information from the voice

browser to determine a prompt class to match a text string form the document received by the

voice browser to an audio file (browser context or state is utilized in determining which prompt,

corresponding to a text string, is to be played, Col. 10, Lines 13-21; Col. 16, Lines 41-57; Col.

18, Lines 12-32; Col. 18, Lines 33-44; and Col. 29, Lines 36-57), wherein the match, through the

association of text string occurrences to audio segment identifiers results in identification of an

audio segment identifier associated with the text string occurrence, and to cause rendering of an

audio segment, referenced in the database, that is identified by the audio segment identifier

(generating specific audio prompts based on XML mapping and user voice browser inputs, Col.

10, Line 58- Col. 11, Line 11; Col. 17, Line 61- Col. 18, Line 44; Col. 37, Line 8- Col. 40, Line

24; Col. 29, Lines 36-57).

Although Ladd teaches a voice browser system that is capable of generating an audio prompt based on a voice browser user input context for a plurality of the contexts *(Col. 2, Lines 48-58; and Col. 18, Lines 56-65)* and utilizes a prompt mapping configuration, Ladd does not explicitly teach a prompt mapping configuration having a plurality of occurrences of the same text strings, wherein each of the occurrences of each text string are associated with a prompt class and corresponding audio segment identifier *(i.e., one-to-one association)*, which is different from the other occurrences of that text string. Uppaluru, however, discloses such a mapping configuration. Uppaluru discloses that instances of the same numerical text sequence or character text sequence are mapped to different individual audio prompts based on a context for searching for a particular prompt label within a class *(same numerical text spoken differently as money, decimal, date, etc. and same character text spoken differently as a word or spoken sequence of characters in various contexts, Col. 8, Lines 11-25; and Col. 22, Line 32- Col. 23)*.

Ladd and Uppaluru are analogous art because they are from a similar field of endeavor in voice-enabled browsers. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Ladd with the further prompt mapping scheme taught by Uppaluru in order to provide a further means of specifying how audio data should be presented to a user *(Uppaluru, Col. 8, Lines 11-13)*.

Although Ladd in view of Uppaluru teach a system for locating and playing audio prompts for similar text strings associated with a plurality of different classes, Ladd in view of Uppaluru does not explicitly teach that a matching process is performed between the document text and an audio segment identifier. Wolf, however, recites a means for matching text strings

with corresponding text string representations of prerecorded audio prompts stored in a database

(Col. 6, Lines 15-41).

Ladd, Uppaluru, and Wolf are analogous art because they are from a similar field of

endeavor in interactive voice response systems. Thus, it would have been obvious to a person of

ordinary skill in the art, at the time of invention, to modify the teachings of Ladd in view of

Uppaluru with the prompt searching means taught by Wolf in order to provide text identifiers

that directly relate to audio prompt files that enable efficient prompt management and do not

require attachment of the prompt to the application *(Wolf, Col. 1, Line 62- Col. 2, Line 4)*.

Claim 35 recites a method performed by the system recited in claim 34, which is taught

above by the combination of Ladd, Uppaluru, and Wolf, and as such, is rejected under similar

rationale.

With respect to **Claim 37**, Ladd further discloses:

The association of audio segment identifiers with the reference text strings is specified in

a markup language *(prompt is associated with an identifier in VoiceHTML, Col. 18, Lines 33-44;*

and Col. 29, Lines 36-57).

Claim 38 contains subject matter similar in scope to claim 35, and thus, is rejected under

similar rationale. Also, Ladd discloses method implementation as a program stored on a

computer readable medium *(Col. 6, Line 65- Col. 7, Line 17)*.

Claim 40 contains subject matter similar in scope to claim 37, and thus, is rejected under

similar rationale.

Claim 41 contains subject matter similar in scope to claim 38, and thus, is rejected under

similar rationale. Also, Ladd additionally teaches various browser contexts (Col. 2, Lines 48-58;

Col. 18, Lines 12-65), while Uppaluru discloses the multiple prompt classes (*Col. 8, Lines 11-25; and Col. 22, Line 32- Col. 23*).

Claim 42 contains subject matter similar in scope to claims 34 and 38, and thus, is rejected under similar rationale. Also, Ladd additionally teaches method implementation using a computer processor *(Col. 6, Line 65- Col. 7, Line 17)* that would inherently require some type of instruction memory to enable instruction storage.

With respect to **Claim 43**, Ladd further discloses a VoiceHTML document (*Col. 18, Lines 33-44; and Col. 29, Lines 36-5; Col. 12, Lines 25-27*).

9.   **Claims 36 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd et al in view of Uppaluru in view of Wolf and further in view of Saylor et al *(U.S. Patent: 6,501,832)*.

With respect to **Claim 36**, Ladd in view of Uppaluru and further in view of Wolf discloses the method for context-based audio prompts in a voice browser, as applied to Claim 35. Ladd in view of Uppaluru and further in view of Wolf does not specifically suggest additionally selecting an audio advertisement to render based on contextual information, however, Saylor discloses voice advertisement elements indexed to a particular pertinent voice page context *(Col. 14, Lines 46-62; Col. 18, Lines 46-65; Col. 27, Lines 33-56; Col. 36, Line 48- Col. 37, Line 3; and example of indexed voice ad, Col. 38, Line 33- Col. 39, Line 12)*.

Ladd, Uppaluru, Wolf and Saylor are analogous art because they are from a similar field of endeavor in interactive voice response systems. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Ladd in view of

Uppaluru and further in view of Wolf with the voice ads taught by Saylor in order to provide a

means for revenue generation for voice page providers *(Saylor, Col. 7, Lines 19-24)*.

Claim 39 contains subject matter similar to claim 36, and thus, is rejected under similar

rationale.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure: See PTO-892.

11. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632.

The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Patrick Edouard can be reached at (571) 272-7603. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/James S. Wozniak/
Patent Examiner, Art Unit 2626